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Saito  
9.20.02

**PATENT**

Attorney Docket No. 400925/MELCO

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

ITABA et al.

Application No. 09/712,175

Art Unit: 2673

Filed: November 15, 2002

Examiner: M. Said

For: PERIPHERAL DEVICE OF A  
PROGRAMMABLE CONTROLLER  
AND MONITORING METHOD OF  
SAID PERIPHERAL DEVICE

**RECEIVED**

SEP 19 2002

Technology Center 2600

**RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT**

Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

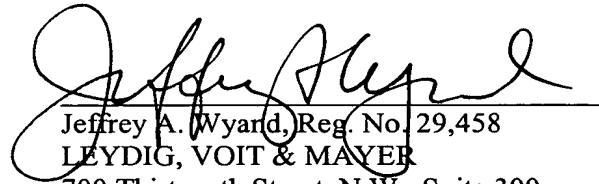
In response to the Notice of Non-Compliant Amendment dated August 28, 2002, Applicants respectfully point out that the Preliminary Amendment filed in the referenced patent application on November 15, 2000 thoroughly complied with the rules then in effect for the form of amendments.

Although 37 CFR 1.121 was adopted effective November 7, 2000, approximately one week before the Preliminary Amendment was filed, in adopting the new Rule, the U.S. Patent and Trademark Office pointed out that amendments "in compliance former § 1.121 will be accepted until March 1, 2001". See the attached copy of the Federal Register of September 8, 2000 at page 54604.

In re Appln. of Itaba et al.  
Application No. 09/712,175

Accordingly, the Notice of Non-Compliant Amendment was incorrectly sent and should be withdrawn. It is presumed that the Preliminary Amendment will be entered in the prosecution of this patent application as that Amendment was filed unless written notice to the contrary, providing the basis for refusal to enter the Amendment, is provided to the undersigned.

Respectfully submitted,

  
Jeffrey A. Wyard, Reg. No. 29,458  
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Date: Sept 12, 2002  
JAW:ves